IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRI.APPELLATE JURISDICTION

CRI.APPLN.NO.1011 OF 2006
IN
CRI.APPEAL NO.610 OF 2004

Balbhim Sopan Jadhav ..Applicant

Vs.

The State of Mah. ..Respondents

Mr.Daulat G.Khamkar Advocate for applicant
Mr.A.R.Patil APP for respondent

CORAM: SMT.RANJANA DESAI &
SMT.V.K.TAHILRAMANI,JJ.

DATE : OCTOBER 9, 2006

P.C.

1. This is an application for bail. We have heard the learned counsel for the applicant. Bail applications preferred by the applicant have been rejected twice by this Court earlier. There is no change in the circumstances. The learned counsel for the applicant strenuously urged that eye witness account is not supported by the medical evidence. We find that in the dying declaration of deceased Shankar which is treated as F.I.R., applicant has been named. Two eye witnesses have stated that the applicant had assaulted the deceased with a Gupti.

At this stage, it is not possible for us to consider the alleged inconsistency between the medical evidence and the eye witness account and release the applicant on bail. Eye witness account, in our prima facie opinion, could override the medical evidence. However, we make it clear that we have not expressed any final opinion on the merits of the case. In the circumstances of the case, we reject the application. However, we expedite the hearing of the appeal. Liberty to the applicant to prepare the paper-book and mention for adding the matter to the final hearing board.

2. Application is rejected.

[SMT.RANJANA DESAI, J.]

[SMT.V.K.TAHILRAMANI,J.]